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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,249	10/31/2003	Masaaki Asonuma	SHO-0023	9039

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EXAMINER	
HSU, RYAN	

ART UNIT	PAPER NUMBER
3714	

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12/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,249	ASONUMA, MASAAKI	
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 10/30/2007. In response to the amendments filed on 10/30/2007, claims 1 and 6 have been amended. Claims 1-6 are pending in the current application.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/697,004.

Although the conflicting claims are not identical, they are not patentably distinct from each other because both the current application and co-pending application 10/697004 are directed towards "a gaming machine comprising a game result display means for displaying a game result thereon; and beneficial state generating means for generating a beneficial state for a

player when a predetermined game result is displayed on the game result display means; wherein the game result display means includes first display means and second display means arranged at a more front side than a display area of the first display means when seen from a front side of the gaming machine". Furthermore, claim 1 of the application 10/697004 is directed towards the "second display device has symbol display areas through which the symbols displayed on the first display means are transmittably displayed and window frame display areas are formed around the symbol display areas in the second display means". With regard to claim 1 of the current application 10/697249 the second display means requires a second display means having "second display means conducts a demonstration display in which a background thereof is displayed" and "light transmitting symbols are variably displayed in the background, after the game result is displayed on the first display means". These two requirements are directed towards the same invention where a "symbol display area" allowing light to transmittably display through the window frame display areas and the "light transmitting symbols" in a "demonstration display" both describe the same ability of allowing the second display symbol to allow light symbols to be represented on the second display. Therefore it would be obvious that these two inventions are not patentably distinct but simply have used a different language structure to detail the same invention. It would have been obvious to one of ordinary skill in the art to refer to a symbol display area with light transmitting symbols" as that of a "demonstration display" that incorporates the use of "light transmitting symbols" to signify the same invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Miur et al. (US 2005/0192090 A1).

Regarding claims 1and 6, Miur et al. discloses a gaming machine comprising: a game result display means for displaying a game result thereon and a beneficial state generating means for generating a beneficial state for a player when a predetermined game result is displayed on the game result display means (*see [0017-0022]*). The game result display means disclosed by Miur includes a first display means and a second display means arranged in front of the display area of the first display means when seen from the front side of the gaming machine (*see Fig. 8 and the related description thereof, [0048-0053]*. Furthermore, Miur discloses the second display means to conduct a demonstration display in which a background thereof is displayed in a dark color so that the game result on the first display means is difficult to be seen or not seen and light transmitting symbols are variably displayed in the background, after the game result is displayed on the first display means, wherein at least one light transmitting symbol includes a light transmittable portion (*see [paragraph [0022-0029], [0051-0053]*). Additionally, Miur discloses a part of the game result on the first display means to be seen only through the light

transmittable portion of the at least one light transmitting symbol while the at least one light transmitting symbol is variably displayed on the second display means (*see Fig. 8 and the related description thereof, [0017-0022]*).

Regarding claim 2, Miur discloses wherein the light transmitting symbols have specific shapes (*see Fig. 6-7 and the related description thereof*).

Regarding claim 3, Miur teaches a gaming machine that further comprises rear illumination means for illuminating the first display means from a rear side thereof (*see paragraph [0022, 0029], Fig. 8 and the related description thereof*).

Regarding claim 4, Miur teaches a gaming machine that further comprises light transmitting mode memory means for storing a plurality of display modes of images including the background and the light transmitting symbols and light transmitting mode select means for selecting one or a plurality of display modes among the display modes stored in the light transmitting mode memory means wherein the second display means displays the images based on a selected result by the light transmitting mode select means (*ie: animated and effects display of the secondary display* (*see paragraph [0048-0053]*).

Regarding claim 5, Miur teaches a gaming machine wherein the first display means includes a plurality of symbol display parts capable of variably displaying one or a plurality of symbols and conducting stop display thereof and wherein the light transmitting symbols correspond to areas which are driven so that the player sees and recognizes a part of the symbol display parts (*see paragraph [0051-0053]*).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ozaki et al. (US 7,204,753 B2) – Pattern Display Device and Game Machine Including the Same.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

December 8, 2007

JOHN M. HOTALING, II
PRIMARY EXAMINER